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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BORIS BENKOVSKI, Derivatively on Behalf of  
Nominal Defendant EQUINIX, INC.,

Case No. 3:25-cv-01642-VC

Plaintiff.

## **NOTICE AND ~~(PROPOSED)~~ ORDER OF VOLUNTARY DISMISSAL**

V.

CHARLES J. MEYERS, ADAIRE FOX-MARTIN, NANCI CALDWELL, GARY HROMADKO, THOMAS OLINGER, CHRISTOPHER PAISLEY, JEETU PATEL, SANDRA RIVERA, FIDELMA RUSSO, PETER VAN CAMP, and KEITH D. TAYLOR,

## Defendants,

and

## EQUINIX, INC.,

### Nominal Defendant.

1 Plaintiff Boris Benkovski (“Plaintiff”), by and through his undersigned counsel, hereby  
2 voluntarily dismisses the above-captioned shareholder derivative action (the “Action”), and all  
3 claims asserted therein on behalf of the nominal defendant Equinix, Inc. (“Equinix” or the  
4 “Company”) against defendants Charles J. Meyers, Adaire Fox-Martin, Nanci Caldwell, Gary  
5 Hromadko, Thomas Olinger, Christopher Paisley, Jeetu Patel, Sandra Rivera, Fidelma Russo, Peter  
6 Van Camp, and Keith D. Taylor (collectively, and with Equinix, “Defendants”) without prejudice,  
7 pursuant to Rules 23.1 and 41(a)(2) of the Federal Rules of Civil Procedure, subject to the approval  
8 of the Court.

9 Plaintiff is voluntarily dismissing the Action to pursue his remedies under Delaware state  
10 law, specifically, to make a demand for the inspection of documents pursuant to 8 Del. C. § 220  
11 and/or to make a demand upon the Equinix Board of Directors to initiate litigation to pursue claims  
12 substantially similar to, or the same as, those asserted in the Action. Defendants have filed neither  
13 an answer nor a motion for summary judgment in the Action, there has been no settlement or  
14 compromise of this Action, there has been no collusion among the Parties, and neither Plaintiff nor  
15 his counsel have received or been promised any consideration in exchange for the dismissal of the  
16 Action. The voluntary dismissal is made without prejudice and, therefore, it will not have any  
17 preclusive effect on any other action or Equinix shareholder to pursue claims. Defendants will not  
18 suffer any prejudice from, and do not oppose, voluntary dismissal of the Action.

19 If voluntary dismissal is granted by the Court, Plaintiff respectfully submits that notice  
20 pursuant to Fed. R. Civ. P. 23.1(c) is not necessary and, therefore, he should be relieved of the notice  
21 requirement, because he will continue to pursue claims substantially similar to, or the same as, those  
22 asserted in the Action on behalf of the Company by making an inspection and/or litigation demand  
23 under Delaware law, and because Equinix will include information regarding dismissal of the Action  
24 in a public filing with the U.S. Securities and Exchange Commission, thereby providing notice.

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1 Respectfully submitted,

2 **WOLF HALDENSTEIN ADLER**  
3 **FREEMAN & HERZ LLP**

4 Dated: April 17, 2025

5 By: /s/ Alex J. Tramontano  
6 ALEX J. TRAMONTANO

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18 *Attorneys for Plaintiff Boris Benkovski*

20 \* \* \*

21 IT IS SO ORDERED.

22 Dated: August 19, 2025

23   
24 The Honorable Vince Chhabria  
25 United States District Court Judge